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n/k/a Pfizer Inc.*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

PHARMACIA CORPORATION N/K/A  
PFIZER INC.,

Plaintiff,

v.

ARCH SPECIALTY INSURANCE  
COMPANY, TWIN CITY FIRE  
INSURANCE COMPANY, and LIBERTY  
MUTUAL INSURANCE COMPANY,

Defendants.

Civil Action No. 2:18-cv-00510-  
ES-MAH

**NOTICE OF PLAINTIFF'S  
MOTION FOR SUMMARY  
JUDGMENT**

**ORAL ARGUMENT  
REQUESTED**

TO: DEFENDANT TWIN CITY FIRE INSURANCE COMPANY

**PLEASE TAKE NOTICE** that on June 15, 2020 at 9:00 am or as soon thereafter as counsel may be heard, Plaintiff Pharmacia Corporation (“Pharmacia”) n/k/a Pfizer Inc., will move before Judge Esther Salas, at the Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Room 5A, Newark, New Jersey 07101, for an Order granting summary judgment and declaring that:

(1) New Jersey law applies to Defendant's excess directors' and officers' insurance policies (the "D&O Policy");

(2) Pharmacia's underlying limits are exhausted and the D&O Policy attaches to provide insurance coverage for Pharmacia's losses incurred in connection with an underlying lawsuit entitled *Robert L. Garber v.*

*Pharmacia Corp., et al.*, No. 03-1519 (AET) (D.N.J.), later consolidated and captioned *Alaska Electrical Pension Fund, et al. v. Pharmacia Corp., et al.*, No. 03-1519 (AET) (D.N.J.) ("*Garber*");

(3) the pending and prior litigation exclusion in the D&O Policy does not exclude insurance coverage for *Garber*; and

(4) the warranty letter executed by Pharmacia's then-CEO and then-CFO does not exclude insurance coverage for *Garber*.

**PLEASE TAKE FURTHER NOTICE** that submitted in support of this Motion is Pharmacia's Memorandum of Law, Statement of Undisputed Material Facts, and Declaration of Robin L. Cohen, with attached exhibits (Docket Entry No. 90).

Oral argument on the within Motion is requested in the event timely opposition is filed hereto.

A proposed Form of Order was submitted at Docket Entry No. 91-13.

Dated: New York, NY  
May 29, 2020

MCKOOL SMITH, P.C.

By: s/ Robin L. Cohen

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